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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

EXHIBIT

E

TINA MOORE, et al.,)
)
Plaintiffs,)
)
vs.) No. 4:14-CV-1443 SNLJ
) 4:14-CV-1447 SNLJ
CITY OF FERGUSON, et al.,) (Consolidated)
)
Defendants.)

DEPOSITION OF CLAUDETTE BOYCE-RHONE

Taken on behalf of Defendant

January 13, 2016

Kathy Bauernfeind, CCR #1361

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(NO EXHIBITS MARKED.)

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9 DEPOSITION OF CLAUDETTE BOYCE-RHONE,
10 produced, sworn, and examined on behalf of Defendant,
11 January 13, 2016, commencing at 9:35 a.m. and
12 concluding at 9:52 a.m., at Pitzer Snodgrass, P.C.,
100 South 4th Street, St. Louis, Missouri, before
Kathy Bauernfeind, a Certified Shorthand Reporter for
the State of Missouri.

13 APPAREANCE

14 FOR PLAINTIFFS DELORES MOORE AND RENEE RODGERS, AS
NEXT FRIEND FOR A.D.R., A MINOR:

16 BATY, HOLM, NUMRICH & OTTO, P.C.
BY: TODD M. JOHNSON, ESQ.
4600 Madison Avenue, Suite 210
17 Kansas City, Missouri 64112

18 FOR PLAINTIFFS TINA MOORE AND ESTATE OF JASON MOORE:

19 THE FLOYD LAW FIRM
20 BY: MARK FLOYD, ESQ.
21 8151 Clayton Road, Suite 202
22 St. Louis, Missouri 63117

22 DOWD & DOWD, P.C.
BY: WILLIAM T. DOWD, ESQ.
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23 St. Louis, Missouri 63102

1 A P P E A R A N C E S

2 FOR DEFENDANTS:

3 PITZER SNODGRASS, P.C.
4 BY: IDA S. SHAFIAE, ESQ.
100 South Fourth Street, Suite 400
5 St. Louis, Missouri 63102

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EXAMINATION BY MS. SHAFAIE

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1 IT IS HEREBY STIPULATED AND AGREED by and
2 between Counsel for the Plaintiff and Counsel for the
3 Defendants, that this deposition may be taken in
4 shorthand by Kathy Bauernfeind, a Certified Shorthand
5 Reporter, and afterwards transcribed into typewriting,
6 and the signature of the witness is waived by
7 agreement of counsel and the witness.

8 O-O-O

9 CLAUDETTE BOYCE-RHONE,
10 having been first duly sworn, was
11 examined and testified as follows:

12 * * * * *

13 EXAMINATION

14 BY MS. SHAFAIE:

15 Q. Can you state your name for the record,
16 please.

17 **A. Claudette Boyce-Rhone.**

18 Q. Claudette, my name is Ida Shafaie. I'm an
19 attorney that represents the City of Ferguson in the
20 case of Jason Moore, et al. versus the City of
21 Ferguson. You and I spoke on the phone a couple times
22 about arranging to get you here. Is that correct?

23 **A. Yes.**

24 Q. As we're going through today, I'm going to
25 be asking you some questions, and then the attorneys

EXAMINATION BY MS. SHAFIAIE

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1 who represent Mr. Moore and his family may take the
2 time to ask you some questions as well. Okay?

3 **A. Okay.**

4 Q. As we're going through, if you'll make sure
5 that you answer with either a yes or no, rather than
6 nodding your head or saying um-hum or hum-hum. And the
7 reason for that is because this lady right here is
8 taking down everything that you're saying, and we want
9 to make sure that we know exactly what you meant, so
10 that if you nod, she won't know what to put down, or
11 if you say um-hum or hum-hum, I want to make sure we
12 know it was a yes or no. Does that make sense?

13 **A. Yes.**

14 Q. Also as we're going through, if I ask you a
15 question that doesn't make a whole lot of sense or you
16 just need a little bit more clarification on that, if
17 you'll let me know, what I'll do is try to make that
18 question clearer for you so that you understand it.

19 Can we have that agreement?

20 **A. Yes.**

21 Q. Okay.

22 Before we get into the questioning, is
23 there anything that would affect your ability to
24 understand my questions today?

25 **A. No.**

EXAMINATION BY MS. SHAFIAIE

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1 Q. Are you taking any medication or under any
2 drugs that could affect your ability to understand my
3 questions today?

4 **A. No.**

5 Q. Okay.

6 Can you please state your date of birth?

7 **A. 4/14/68.**

8 Q. And what is your current address?

9 **A. 319 Emmet Avenue, Ferguson, Missouri 63135.**

10 Q. Have you ever given your testimony before?

11 **A. No.**

12 Q. And when I say testimony, I mean either in
13 a deposition setting or in a court setting.

14 **A. No.**

15 Q. Okay.

16 How long have you lived in Ferguson?

17 **A. Maybe for about 13, 14 years, something
18 like that. Quite a lot.**

19 Q. And what was your address back in September
20 of 2011?

21 **A. On Emmet, 319.**

22 Q. Okay.

23 How far away is that from North Marguerite,
24 if you know?

25 **A. I mean, it's not that far as far as the**

EXAMINATION BY MS. SHAFAIE

Page 8

1 **distance, maybe a half a mile maybe.**

2 Q. Okay.

3 And how far is that from Airport Road?

4 **A. Maybe -- I'm going to say about five**
5 **minutes or so.**

6 Q. Okay.

7 **A. Depending how fast you walking.**

8 Q. Sure. Sure.

9 You understand that you're here because you
10 were identified as someone who gave a statement to the
11 police regarding an incident that you saw back in
12 September 17th of 2011, do you understand that?

13 **A. Yes.**

14 Q. Okay.

15 And do you remember giving a statement to
16 the police on that day?

17 **A. No.**

18 Q. Do you remember talking with any police
19 officer on that day?

20 **A. I remember calling 911.**

21 Q. Okay.

22 **A. And stating what I saw.**

23 Q. Okay.

24 What was it that you saw on that day?

25 **A. A young man -- well, I couldn't tell the**

EXAMINATION BY MS. SHAFIAE

Page 9

1 age or anything because it was dark, and he was just
2 outside, naked, and I was concerned, that's why I
3 called.

4 Q. Okay.

5 So you stated that you saw someone that you
6 believed to be a man, is that correct?

7 A. Yes.

8 Q. And where were you when you saw this man?

9 A. I was on Airport Road. I can't remember
10 the cross street.

11 Q. Okay.

12 A. It might have been Dade maybe. I can't
13 remember. Or Marg -- I don't know. But it was on
14 Airport Road.

15 Q. And when you say that you were on Airport
16 Road, were you on foot or in a vehicle?

17 A. Car.

18 Q. Okay. Were you in the vehicle by yourself
19 or with anyone else?

20 A. By myself.

21 Q. Do you remember approximately what time of
22 day this was that you saw this man?

23 A. Maybe around 5:35. Between 5:35 and 5:45
24 because I was on my way to work.

25 Q. And is that a.m. or p.m.?

EXAMINATION BY MS. SHAFAIE

Page 10

1 **A. A.m.**

2 Q. And I think you stated that it was still
3 dark at that time?

4 **A. Yeah.**

5 Q. Do you recall if there were any
6 streetlights, or any other artificial lights would
7 have lit up the road in any way?

8 **A. The streetlights.**

9 Q. And you stated that you saw this man --
10 where was this man when you first saw him?

11 **A. In the street.**

12 Q. And when you say in the street, was he in
13 your lane of travel or a different lane of travel?

14 **A. He was starting to cross in front of me.**

15 Q. He was starting to cross in front of you.
16 Could you tell where he was coming from?

17 **A. No.**

18 Q. Okay.

19 And were you able to tell if -- what
20 ethnicity or race he was?

21 **A. I think, but I'm not for certain, I think**
22 **he was black.**

23 Q. Okay. And again, you stated it was dark
24 out.

25 **A. Um-hum.**

EXAMINATION BY MS. SHAFIAIE

Page 11

1 Q. Do you know if you had your headlights on
2 that day?

3 **A. Yes.**

4 Q. Okay.

5 And I think you stated that he was not
6 clothed?

7 **A. He was not.**

8 Q. Had you ever seen him prior to coming --

9 **A. No.**

10 Q. -- into the street with any clothes on?

11 **A. No.**

12 Q. And as we're going through, and you're not
13 doing anything wrong, if you'll let me get my question
14 out, that way the court reporter can get it so we're
15 not talking over each other. And you're doing just
16 fine. Just make sure you let me get my question out.

17 **A. Okay.**

18 Q. When you saw the man coming into the road,
19 did you see him do anything other than walking?

20 **A. I think he was running. I'm not for**
21 **certain. This happened so -- I think he was running.**

22 Q. Okay. And do you know if he was saying
23 anything, or could you hear him saying anything?

24 **A. I couldn't hear anything.**

25 Q. Could you see his mouth moving at all?

EXAMINATION BY MS. SHAFAIE

Page 12

1 **A. No.**

2 Q. When he came into the street, did you have
3 to do anything with your vehicle to avoid hitting him?

4 **A. No.**

5 Q. Was there anybody else, or any other cars
6 on the road at that time?

7 **A. I don't remember.**

8 Q. Typically -- do you typically go to work at
9 that time in the morning?

10 **A. Yes.**

11 Q. Do you typically take the same route that
12 we've been talking about today?

13 **A. Yes.**

14 Q. Typically during that time are there other
15 cars on the roadway, if you remember?

16 **A. Yes.**

17 Q. And so you stated that you saw the man
18 either walk or run into the roadway. Did you -- do
19 you know if he stopped or kept going or did you see
20 what he did?

21 **A. I have no idea --**

22 MR. JOHNSON: Object to form. Misstates
23 prior testimony.

24 Q. (BY MS. SHAFAIE) Sorry. You said that you
25 saw the man. Did you see him -- did you see what he

EXAMINATION BY MS. SHAFIAIE

Page 13

1 did after --

2 **A. No --**

3 Q. -- he got into the road?

4 **A. -- I kept going.**

5 Q. Have you ever seen this man before?

6 **A. No.**

7 Q. Why did you call 911?

8 **A. I was concerned because, I mean, I have a**
9 **son, and I was concerned for any -- people are at the**
10 **bus stop sometimes when I'm going to work, so I was**
11 **just concerned for other people's safety. And I**
12 **didn't know what he -- his intentions were, that's why**
13 **I called 911.**

14 Q. Okay.

15 Do you recall if there was anyone standing
16 on the bus stop on this day?

17 **A. I do not remember.**

18 Q. And typically at that time that -- well, at
19 the time you were driving, around 5:30 or 5:45, had
20 you seen other people at the bus stop before?

21 **A. Yes.**

22 Q. Were you scared of the man?

23 **A. No.**

24 Q. Okay.

25 What did you tell the 911 operator?

EXAMINATION BY MS. SHAFIAIE

Page 14

1 **A. That there was a man in the street and he**
2 **was naked. That's what I said.**

3 **Q. Okay.**

4 Did you hear anything about this man later
5 that day or after you had seen him?

6 **A. I did not.**

7 **Q. Were you ever contacted by the police, that**
8 **you remember, to talk about this incident?**

9 **A. I remember -- I don't remember who it was,**
10 **but I remember someone calling me and they wanted to**
11 **know what did I witness. And like I told them, all I**
12 **saw was a young man naked, I dialed 911, and that's**
13 **it. I kept going to work.**

14 **Q. And do you know approximately when that**
15 **was, like if it was the same day or several days**
16 **later?**

17 **A. It was a while later. I don't remember but**
18 **it was not the same day.**

19 **Q. Okay.**

20 And the man that you saw, do you remember
21 what kind of build he had?

22 **A. No.**

23 **Q. Do you remember how tall he was --**

24 **A. No.**

25 **Q. -- approximately?**

EXAMINATION BY MS. SHAFAIE

Page 15

1 **A. I wasn't paying attention to all of that.**

2 Q. Is it possible that you heard the man
3 yelling when you saw him crossing the street?

4 MR. JOHNSON: Object to form. Assumes
5 facts not in evidence.

6 MR. DOWD: Calls for speculation.

7 MR. JOHNSON: Also vague.

8 **A. Can you repeat.**

9 Q. (BY MS. SHAFAIE) Yes, ma'am.

10 MS. SHAFAIE: Can you just read back my
11 question.

12 (Record read.)

13 **A. No.**

14 Q. (BY MS. SHAFAIE) It's not possible or you
15 don't know?

16 **A. I don't know.**

17 MR. DOWD: Same objections.

18 MR. JOHNSON: Join.

19 Q. (BY MS. SHAFAIE) Okay.

20 **A. I mean, my radio was on.**

21 Q. Okay.

22 When the man crossed the street, how close
23 was he to your car?

24 **A. I'm a little bit annoyed so please excuse
25 me.**

EXAMINATION BY MR. FLOYD

Page 16

1 Q. Sure. And you take as much time as you
2 need, and maybe my question's not clear. I just want
3 to know did he ever -- you know, if he's crossing in
4 front of you, how far away was he from your vehicle?

5 A. When I was approaching, he was already
6 halfway across the street. So he was not close to me.
7 I mean, close enough where I was -- I felt threatened
8 or anything.

9 Q. Okay.

10 Is there anything else that you remember
11 about the incident that --

12 A. Nothing.

13 0. -- I haven't asked you about?

14 A. Nothing.

15 MS. SHAFIAE: I don't have any further
16 questions.

17 MR. FLOYD: I have some questions.

18 EXAMINATION

19 BY MR FLOYD:

20 Q. Thank you for coming today. I'm Mark
21 Floyd. I represent Mr. Moore's widow --

22 A. Okay-

23 Q. -- and I do have a couple questions for
24 you.

25 When you saw Mr. Moore naked and in the

EXAMINATION BY MR. FLOYD

Page 17

1 street that very early morning, did you perceive that
2 behavior to be a sign of that maybe something mentally
3 wasn't right with Mr. Moore?

4 **A. Yes.**

5 MS. SHAFAIE: Object to form.

6 **A. Yeah, I did.**

7 Q. (BY MR. FLOYD) And did that perception of
8 him maybe not being right mentally, did that
9 contribute to or prompt you to call the police?

10 **A. I was more concerned about the citizens,
11 that was my concern.**

12 Q. Did you believe that Mr. Moore might be in
13 need of some type of help, even medical assistance or
14 otherwise?

15 MS. SHAFAIE: Form.

16 **A. I don't know.**

17 Q. (BY MR. FLOYD) Mr. Moore didn't threaten
18 you that morning?

19 **A. No.**

20 Q. He didn't try to harm you?

21 **A. No.**

22 Q. And you didn't see him try to harm anyone
23 else?

24 **A. Like I said, I made the call and I kept
25 going. That's -- that's the only thing that -- you**

EXAMINATION BY MR. FLOYD

Page 18

1 **know, I saw him, I thought it was weird for someone to**
2 **be outside that time of morning, so I made the call,**
3 **kept going, didn't stop to see, didn't pull over. I**
4 **went to work.**

5 Q. He certainly wasn't trying to be sneaky,
6 was he?

7 **A. I don't know.**

8 MS. SHAFAYIE: Object to form; foundation.

9 Q. (BY MR. FLOYD) He didn't appear to be
10 trying to hide from anyone, was he?

11 **A. I don't know.**

12 MS. SHAFAYIE: Foundation.

13 Q. (BY MR. FLOYD) He made himself very
14 available right in the middle of the street, is that
15 correct?

16 MS. SHAFAYIE: Form.

17 **A. I don't know what his attentions were. I**
18 **know I just saw him, that's it. I don't know what his**
19 **intentions were.**

20 Q. (BY MR. FLOYD) And you didn't see any type
21 of a weapon on him or anything like that?

22 **A. I did not.**

23 MR. FLOYD: Those are all the questions I
24 have. Thank you.

25 ///

EXAMINATION BY MR. JOHNSON

Page 19

1 EXAMINATION

2 BY MR. JOHNSON:

3 Q. Ms. Rhone, my name is Todd Johnson. I
4 represent some other family members of Mr. Moore.

5 A. Okay.

6 Q. His name is Jason Moore. Did you know any
7 Jason Moores from Ferguson?

8 A. No.

9 Q. His mother's name is Delores Moore. She
10 also lives in Ferguson. Do you know her?

11 A. No.

12 Q. He's married to a lady named Tina Moore,
13 who lives in Ferguson. Do you know Tina Moore?

14 A. No.

15 Q. Tina Whitby?

16 A. No.

17 Q. When the police department followed up with
18 you after you called 911 that day, is that the last
19 contact you had with anybody that you associate to be
20 with the Ferguson Police Department about this
21 incident?

22 A. Yes.

23 Q. Did you give any type of statement or
24 narrative to Ms. Shafaie or anyone at her office other
25 than what you told us here this morning?

EXAMINATION BY MR. DOWD

Page 20

1 **A. I did not.**

2 MR. JOHNSON: I have no further questions.

3 Thank you.

4 EXAMINATION

5 BY MR. DOWD:

6 Q. Let me just ask you, where did you work at
7 the time? Where were you going to work that day?

8 **A. I drive a school bus so I was going to**
9 **First Student.**

10 Q. Okay. And are you still working there?

11 **A. No, I'm actually at another bus company,**
12 **but I'm in St. Ann in the service center. That's who**
13 **I work for now.**

14 Q. Same profession?

15 **A. Yes.**

16 Q. Different company?

17 **A. Yes.**

18 MR. DOWD: That's all I have. Thank you.

19 My name is Bill Dowd, by the way. That's all I have.

20 MR. FLOYD: You have the right to read this
21 deposition as for -- after it's transcribed into book
22 form, which it will be. You can't change any of your
23 answers, but if you thought you were taken down
24 inaccurately, then you could say, oh, I didn't say
25 that, I said this, and you could make corrections.

EXAMINATION BY MR. DOWD

Page 21

1 It's just a formality. The witness is supposed to be
2 asked do you want to read the deposition or do you
3 want to waive it. I'm not giving you any advice one
4 way or the other, but you really should tell the court
5 reporter whether you want to read or whether you want
6 to waive it.

7 MR. DOWD: Waive your signature.

8 MR. FLOYD: Waive your signature.

12 MR. FLOYD: I don't know that you have any
13 obligations except if this case were to go to trial
14 for the death of Mr. Moore, someone might contact you
15 to testify at trial or they may not.

16 THE WITNESS: Okay.

17 MR. FLOYD: But that's months in the
18 future. And right now I don't think there is any
19 definitive plans that you would be testifying.

20 THE WITNESS: Okay. Thank you.

21 MS. SHAFAIE: Thank you.

22 (Whereupon the deposition concluded at
23 9:52 a.m.)

24 (Whereupon signature was waived, and the
25 deponent was excused.)

Page 22

1 REPORTER CERTIFICATE

2

3 I, KATHY BAUERNFEIND, a Certified Shorthand
4 Reporter, do hereby certify that there came before me
5 at Pitzer Snodgrass, P.C., 100 South 4th Street,
6 St. Louis, Missouri,

7 CLAUDETTE BOYCE-RHONE

8 who was by me first duly sworn; that the witness was
9 carefully examined, that said examination was reported
10 by myself, translated and proofread using
11 computer-aided transcription, and the above transcript
12 of proceedings is a true and accurate transcript of my
13 notes as taken at the time of the examination of this
14 witness.

15 I further certify that I am neither
16 attorney nor counsel for nor related nor employed by
17 any of the parties to the action in which this
18 examination is taken; further, that I am not a
19 relative or employee of any attorney or counsel
20 employed by the parties hereto or financially
21 interested in this action.

22 Dated this 14th day of January 2016

23

24

25

Kathy Bauernfeind, CSR, CLR

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